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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/816,526	03/23/2001	Thomas Mueller	10191/1773	8027
26646	7590	10/04/2003	EXAMINER	
KENYON & KENYON ONE BROADWAY NEW YORK, NY 10004			GRIER, LAURA A	
			ART UNIT	PAPER NUMBER
			2644	

DATE MAILED: 10/04/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/816,526

**Applicant(s)**

MUELLER ET AL.

**Examiner**

Laura A Grier

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4,6-8 and 10-16 is/are rejected.
- 7) ☒ Claim(s) 5 and 9 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

*Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. **Claims 1-4, 6-8, and 10-16** are rejected under 35 U.S.C. 103(a) as being unpatentable over Steele et al., Pub. No.: US 2002/00466084.

Regarding **claims 1**, Steele et al. (herein, Steele) disclose a remotely configurable multimedia entertainment and information system with location based advertising (figures 1 and 2). Steele's disclosure comprises a display (160 and page 3, left column, paragraph number 0047, which reads on a display; loudspeakers (152 and page 3, right column, paragraph 0045, which reads on loudspeakers; and channel selector (162), which indicates an input apparatus (page 3, paragraph 0048); memory (90) and microprocessor and storage devices (92), which read on storage device and a processor, respectively - page 3, right column, paragraph 0045; further, the processor includes a element for displaying different channels of different types of audio data can be located (figures 2 and 5, page 3, paragraphs 0050-0051 and 0054), which indicates displaying directories, the processor includes a memory and coupled to storage devices for recording real-time audio or multimedia files (page 3, paragraph 0046), further the broadcast channels (e.g. AM, FM, DAB, Internet broadcast) indicates different data carriers, and it obvious the different multimedia files (MP3 audio files) are displayed with different tiles, wherein this is

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a common characteristic of MP3 audio technology, and the different directories and files are accessible by channel selector. However, Steele fails to disclose the processor decoding the multimedia files. Decoding of multimedia files was well known in the art.

Decoding multimedia files (audio) that have been transmitted to a receiver is a commonly used techniques for processing transmitted data files. Thus it would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the invention of Steele by incorporating the technique of decoding the multimedia files (audio) for the purpose of regenerating the contents of the files in its original format for adequate output.

Regarding **claim 2**, Steele discloses everything claimed as applied above (see claim 1). Steele further discloses that multimedia files (MP3 files) may be download from a home personal computer to the multimedia player of a vehicle (page 5, paragraph 0073), which indicates the claimed limitations.

Regarding **claim 3**, Steele discloses everything claimed as applied above (see claim 2). Steele further discloses a button cluster controller (figure 4), which indicates a plurality of controlling elements, therein as claimed for managing the directory of the new storage location.

Regarding **claim 4**, Steele discloses everything claimed as applied above (see claim 1). Steele further discloses a channel selector (162) that may be manipulated up, down, forward and backward (page 3, paragraph 0048), which constitutes as the input apparatus including a rocker as claimed.

Regarding **claim 6**, Steele discloses everything claimed as applied above (see claim 1). Steele further discloses the storage as being flash disks, other storage media suitable for an

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automobile (page 3, paragraph 0046), or floppy disks (page 5, paragraph 0084), which indicates the storage as being removable for the disk drive.

Regarding **claim 7**, Steele discloses everything claimed as applied above (see claim 6). Steele obviously decodes a 1<sup>st</sup> multimedia file with a 1<sup>st</sup> title of one of the different data carriers making is sufficient for audio playback via the loudspeakers.

Regarding **claim 8**, Steele discloses everything claimed as applied above (see claim 1). Steele obviously discloses the processor extracting information for the multimedia file as obvious by the fact that extracted information is displayed as to what channels and type of music the file contains (figure 5) for the purpose of allowing user to be aware of the type of file being selected and to be played back.

Regarding **claims 10-12**, Steele discloses everything claimed as applied above (see claim 1). Steele obviously discloses the processor playback one of the multimedia data files of one of the different data carriers in a random sequence by the user being able to select particular files to be played (page 3, paragraphs 0050-0054).

Regarding **claim 13**, Steele discloses everything claimed as applied above (see claim 1). Steele further discloses the storage as being hard drives, flash disks, other storage media suitable for an automobile or floppy disks (page 5, paragraph 0084) (page 3, paragraph 0046),

Regarding **claim 14**, Steele discloses everything claimed as applied above (see claim 1). Steele further discloses the multimedia files as MP3 files (page 3, paragraph 0046 and page 5 paragraph 0073), which indicates the multimedia data files coded in MP3.

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Regarding **claim 15**, Steele discloses everything claimed as applied above (see claim 1). Steele fails to disclose a remote control apparatus. The examiner maintains that remote control devices were well known in the art. The use of remote control devices for manipulation of electronic devices is a common practice in the art. It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the invention of Steele by implementing a remote control apparatus for the purpose of providing input or control manipulations, such as file or channel selection with convenience and ease to user.

Regarding **claim 16**, Steele discloses everything claimed as applied above (see claim 1). Steele further indicates in figure 5, the processor displaying information step-by-step.

3. **Claims 5 and 9** are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### **Prior Art**

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Abecassis, U. S. Patent No. 6192340, discloses integration of music from a personal library with real-time information.

#### **Conclusion**

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laura A Grier whose telephone number is (703) 306-4819. The examiner can normally be reached on Monday - Friday, 7:30 am - 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Forester W. Isen can be reached on (703) 305-4386.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

**Or faxed to:**

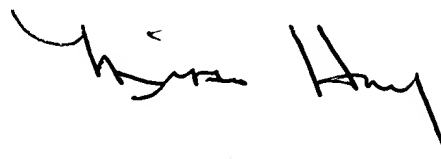
**(703) 872-9314 (for Technology Center 2600 only)**

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.

LAG

September 5, 2003



**MINSUN OH HARVEY  
PRIMARY EXAMINER**